

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE: NORTH SEA BRENT CRUDE OIL
FUTURES LITIGATION

Master File No. 13-md-02475-ALC-SN

ECF Case

FTC CAPITAL GMBH, on behalf of itself and
all others similarly situated,

Plaintiff,

Case No. 13 Civ. 8151

v.

ROYAL DUTCH SHELL PLC, BP PLC,
STATOIL ASA, MORGAN STANLEY,
TRAFIGURA BEHEER B.V., TRAFIGURA
AG, PHIBRO TRADING LLC, VITOL, S.A.
and JOHN DOES 1-50,

Defendants.

**PLAINTIFF FTC CAPITAL GMBH'S MEMORANDUM OF LAW IN SUPPORT
OF MOTION OF PLAINTIFFS NEIL TAYLOR, KEVIN McDONNELL,
ANTHONY INSINGA, ROBERT MICHIELS, AND JOHN DEVIVO
FOR APPOINTMENT OF INTERIM LEAD COUNSEL**

Plaintiff FTC Capital GmbH respectfully submits this memorandum in support of Plaintiffs Neil Taylor, Kevin McDonnell, Anthony Insinga, Robert Michiels and John Devivo's motion for an Order appointing the law firm Kirby McInerney LLP ("Kirby McInerney") as Interim Lead Counsel.

Federal Rule of Civil Procedure 23(g)(3) permits the Court to "designate interim counsel to act on behalf of the putative class before determining whether to certify the action as a class action." Counsel's experience, knowledge of the law and the resources it can commit to the

litigation are important factors for the Court's consideration on this motion. Fed. R. Civ. P. 23(g)((ii)(iii)(iv).

Plaintiff FTC Capital GmbH's counsel, Motley Rice LLC ("Motley Rice"), is precisely the type of highly qualified law firm who could fairly and adequately represent the interests of the Class in this case. Motley Rice is one of the largest Plaintiffs' litigation firms in this country. It is a national law firm with eight offices across the country and 261 employees, of whom 79 are licensed attorneys. The Firm is deep in talent and well-capitalized allowing it to prosecute cases through trial. *See* Declaration of Michael M. Buchman dated November 19, 2013, Exhibit A. Motley Rice has achieved unprecedented success as demonstrated below:

- Motley Rice attorneys achieved the largest civil settlement in U.S. history with the \$246 billion Master Tobacco Settlement Agreement.
- Motley Rice served as one of two counsel responsible for negotiating the \$7.8 billion settlement in the Deepwater Horizon oil spill MDL case *In re Oil Spill by the Oil Rig "Deepwater Horizon" in the Gulf of Mexico, on April 20, 2010*, the largest class action settlement in U.S. history.
- Motley Rice's litigation team in this case includes antitrust counsel with years of experience litigating record-setting antitrust class actions. *See In re NASDAQ Market-Makers Antitrust Litigation*, MDL No. 1023 (S.D.N.Y.) (\$1.027 billion settlement) (Sweet, J.); *In re Payment Card Interchange Fee & Merchant Discount Antitrust Litigation*, MDL 1720 (E.D.N.Y.) (\$7.2 billion settlement final approval pending) (Gleeson, J.).
- Motley Rice has repeatedly demonstrated it has the resources and experience to vigorously and effectively take on the most challenging, large cases. In the past decade, our lawyers filed a ground-breaking lawsuit in this District on behalf of thousands of 9/11 families and survivors and continue to work on an international investigation against terrorist financiers. *See In re Terrorist Attacks on September 11, 2001*, MDL 1570 (S.D.N.Y.) (GBD) (FM).
- Motley Rice has been named to *Law360*'s 2013 "Most Feared Plaintiffs Firms" list.
- Motley Rice has been selected, yet again, to *The National Law Journal*'s 2013 Plaintiffs' Hot List.

- Motley Rice has been named Best Law Firm 2012-2013, U.S. News – Best Lawyers.

For the reasons set forth in Plaintiffs Neil Taylor, Kevin McDonnell, Anthony Insinga, Robert Michiels and John Devivo's motion for an Order appointing the law firm Kirby McInerney LLP ("Kirby McInerney") as Interim Lead Counsel for the putative class, Plaintiff FTC Capital GmbH and its counsel respectfully submit Kirby McInerney should be appointed Interim Lead Counsel. The Kirby McInerney firm and its litigation team possess the experience, knowledge of the law and resources this case requires. Accordingly, Motley Rice supports the appointment of Kirby McInerney as Lead Counsel in this litigation and shall endeavor to provide additional resources to the litigation to the extent necessary.

Dated: November 20, 2013
New York, New York

Respectfully submitted,

By:  —

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